



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMra13011654

[REDACTED]
Complainant,

v.

LEBANON MOOSE LODGE,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following Notice of Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On January 9, 2013, [REDACTED], (“Complainant”) filed a Complaint with the Commission against Lebanon Moose Lodge (“Respondent”) alleging discrimination on the basis of race (by association) in violation [REDACTED] the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have submitted evidence. Based on the final investigative report and a full review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Respondent eliminated Complainant’s position once they discovered her fiancé was of another race. In order to prevail on such a claim, Complainant must show that: (1) she is a member of a protected class; (2) she suffered an adverse employment action; (3) she was meeting Respondent’s legitimate business expectations; and (4) similarly-situated employees of a different race were treated more favorably under similar circumstances.

By way of background, Complainant was hired by Mike Ellis, the Interim Administrator as a bartender. At all times relevant to the Complaint, Complainant was Caucasian and her fiancé was an African-American male. The available evidence shows that Ellis, Jessica Miller (another Caucasian bartender), and her husband informed Complainant that Acting Governor of Respondent, Dallas Ridener, did not want Complainant to work at the organization’s “poker



nights” because the members may be offended by the fact she had an African-American fiancé. Further, evidence shows that the night before Complainant was supposed to work on “poker night,” Respondent changed her shift and shortly thereafter, terminated her employment. While Respondent’s representative, Josh Spencer, alleges that Respondent terminated Complainant as well as another bartender because of financial constraints, there is no evidence to substantiate these claims. Moreover, while Respondent was given several opportunities to abide by its statutory requirement to file a written answer to this Complaint, it failed to meet its burden. Therefore, based upon the available evidence, Respondent’s rationale for the adverse employment action appears to be pretext for unlawful discrimination and unworthy of credence. As such, based upon the aforementioned, probable cause exists to believe that an unlawful discriminatory practice occurred in this instance.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged in the above-referenced case. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may elect to have these claims heard in the same circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

January 14, 2014

Date

Akia A. Haynes

Akia A. Haynes, Esq.

Deputy Director

Indiana Civil Rights Commission